

In the Matter of )  
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 Broadcast Localism ) MB Docket No. 04-233  
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## A. COMMUNICATION BETWEEN LICENSEES AND THEIR COMMUNITIES

1. *Enhanced Disclosure.* The Commission states that the record in this proceeding, particularly that portion amassed during the series of public hearings conducted across the country, suggests that current disclosure is inadequate and many individuals may be unaware of the breadth of their community licensees’

locally oriented programming. This conclusion reached by the commission, with respect to small market radio is totally invalid, erroneous, and doesn't take cognizance of the fact that small market radio stations must be in complete, close and immersed contact with their communities in order to survive. The Commission has inquired as to whether radio licensees should also be subject to enhanced disclosure requirements that are the same or similar to television licenses. The Commission concluded that many in the public do not understand the Commission's license renewal process or, more particularly, that the procedure affords listeners and viewers a meaningful opportunity to provide their input through the filing of a complaint, comment, informal objection, or petition to deny a renewal application. This conclusion by the Commission is not borne out by the facts. In a small market radio community the listeners and all citizens know that if they have any complaints or questions regarding the station they can either contact the station, by phone, letter, or e-mail, or they can carry their comments or complaints to the FCC directly. Therefore, for small market radio these enhanced disclosure requirements are quite unnecessary, and create a time burden on small market personnel.

2. *Renewal Application Pre- and Post-Filing Announcements.* The Commission is proposing a change the existing rules governing the so-called "pre-filing and post-filing announcements" that licensees must air in connection with their renewal applications. In addition to the existing requirement for on-air announcements about soon-to-be-filed and pending license renewal applications, the Commission asks whether there should be a requirement that the same information

be posted on a licensee's website during the relevant months (i.e., the posting begins on the sixth month before the license is due to expire and remains in place until after the deadline for filing petitions to deny the renewal application), and broaden the required language for these announcements contained in 47 C.F.R. § 73.3580(d)(4)(i), which currently provides the Commission's mailing address as a source of information concerning the broadcast license renewal process, to include the agency's website address. Moreover, where technically feasible, the Commission seeks comment on whether a licensee's on-line provision of the Commission's web address could be linked directly to these places on the agency's website.

This is an unnecessary and burdensome task for small market radio. We don't need the Commission adding to our ever-increasing workload from bureaucratic reports.

3. *Community Advisory Boards.* The Commission's former ascertainment requirement directed broadcasters to comply with detailed, formal procedures to determine the needs and interests of their communities, at the time that they initially sought their station authorizations, asked for approval to obtain a station, and sought license renewal. The Commission believes that new efforts are needed to ensure that licensees regularly gather information from community representatives to help inform the stations' programming decisions including regular, quarterly licensee meetings with a board of community advisors and improved access by the public to station decision makers. The Commission proposes that each licensee should convene a permanent advisory board made up of officials and other leaders from the service area of its broadcast station.

We disagree with the Commission's conclusion regarding the necessity of Advisory Boards for small market radio stations like ours. As pointed out elsewhere in this response, it is a matter of survival for small market stations to be totally “plugged-in” to their communities, and as a matter of necessity we involve a great many local citizens in our day-to-day programming, and in a small community, where you run into the mayor or city councilmen while shopping at the local grocery or drug store, and they know you well enough to discuss the station's programs, it is overkill to ask these same people you see every day or every week to serve on an Advisory Board.

4. *Remote Station Operation.* The Commission believes that the prevalence of automated broadcast operations which allow the operation of stations without a local presence has a negative impact upon the licensees’ ability to determine and serve local needs. The Commission is proposing that licensees maintain a physical presence at each radio broadcasting facility during all hours of operation.

## **B. NATURE AND AMOUNT OF COMMUNITY-RESPONSIVE PROGRAMMING**

1. *Local Programming Renewal Application Processing Guidelines.* The Commission concludes that it should reintroduce renewal application processing guidelines that will ensure that all broadcasters provide some locally-oriented programming. The Commission proposes that renewal applications filed by

licensees that have met or exceeded the prescribed minimum percentages will be processed by the Media Bureau on delegated authority while those that do not will require consideration by the full Commission for a consideration of whether license renewal is in the public interest.

We believe that for small market radio stations, that must live, work, trade, and play in our small towns, the Commission's conclusion to reintroduce renewal guidelines involving meeting a “quota” of local programs is totally unnecessary and an insult to the way we operate. We must of necessity do a large amount of local programming in order to gain local advertisers, and survive.

## *2. Main Studio Rule*

Mitchell Community Broadcasting Co, Inc., strongly disagrees with the Commissions suggestion

to require all stations to locate their Main Studios within the city of license. This would have

extremely adverse consequences on operations such as ours, and would lead to eliminating local

radio service in this small town we serve as well as many others like it.

To illustrate, we acquired WPHZ, licensed to Mitchell, Indiana, in 1992 from a previous owner

who was losing money, every month. We took over the station, and we continued to operate

from studios in Mitchell for over six months, with local employees, and tried every conceivable

way, including “on air” appeals to help underwrite the costs of the station. Finally,

by using the

25 mile rule we moved our studios to co-locate with our AM station, WBIW in Bedford. By

utilizing the building and studios of WBIW, and by sharing administrative and sales staffs, we

have been able to provide FM service to Mitchell 24-hours a day and 7-days a week.

We have, and continue to provide local news, local talk shows, coverage of local community

events, local school activities, live on site coverage of local events and election returns. This

service would not be financially possible if we could not take advantage of technology and

shared operating equipment and personnel.

Imposing a requirement to locate the Main Studio back in the community of Mitchell, where we

have already tried to operate, would only lead to shutting down the station, and leaving the

community without a local radio service.

Therefore, we conclude that if the Commission were to continue to pursue the requirement of

locating Main Studios in the community of license, THE END RESULT WOULD BE TO

DEPRIVE A GREAT MANY SMALL TOWNS OF THEIR LOCAL RADIO SERVICE.

We don't believe that this is what the Commission really wants.

Respectfully submitted,

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